

~~CONFIDENTIAL~~

OLC RECORD COPY

78-4636/1

OLC 78-0690/1

23 FEB 1978

DCI

MEMORANDUM FOR: Director of Central Intelligence

FROM :
Acting Legislative Counsel

SUBJECT : Guidelines on Briefing Congressional
Oversight Committees on Presidential
Decisions

REFERENCE : Paragraph 4 of Your Memorandum on
Conversation with Dr. Brzezinski, dated
15 February 1978

1. ☐ Action Requested: Authorization for my Office to
notify the Senate Select Committee on Intelligence and the House
Permanent Select Committee on Intelligence that they will be
briefed on PD-19 and subsequent Presidential decisions on
intelligence by the NSC staff.

2. ☐ Background: Paragraph four of your memorandum of
conversation with Dr. Brzezinski on 14 February contained the
statement that you would inform the Committees that Dr. Brzezinski's
staff would arrange to brief the two Select Committees on PD-19
and also contained the agreement that the NSC staff would brief the
Committees on all Presidential decisions on intelligence. It is
my assumption that you wish my Office to inform the Select Committees
of this understanding with the National Security Council.

3. ☐ Recommendation: That you approve OLC's notifying the
two Select Committees that the NSC staff will brief them on PD-19
and future Presidential decisions on intelligence.

Approval: 3 MAR 1978
Director of Central Intelligence date

Disapproval:
Director of Central Intelligence date

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No Action Necessary. Per [signature] HPSC staff already been notified by NSC staff that NSC staff prepared to brief in PD-19. HPSC has under A.G. LLA 344

TRANSMITTAL SLIP		DATE
TO: <i>Leg Council</i>		<i>3 Mar</i>
ROOM NO.	BUILDING	
REMARKS:		
<p><i>See HLC's note re approval.</i></p> <p><i>No ACTION required see my note on face of memo. a 34th</i></p>		
FROM: <i>James ES</i>		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

78-4636/1

25X1 Acting Legislative Counsel

DATE

24 FEB 1978

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

DDCI

24 FEB 1978

2.

3.

DCI

Rec'd 28 Feb 78

4.

5.

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12.

13.

DDC/Comment

14.

15.

I am requesting authorization for OLC to advise oversight committees that they will be briefed on PD-19 and subsequent Presidential decisions on intelligence by the NSC staff.

I assume this mode has been selected as an alternative to providing the document to the committees. However, I understand the Boland Committee is hardening its position and they insist on getting PD-19 and that PD-24 is also of interest.

As I understand it, PD-19 implements electronic surveillance guidelines and, I think, it would be hard to withhold from the oversight committees under a claim of Executive privilege. PD-24 is of a different nature as it contains instructions for negotiating positions.

I believe concern should concentrate on the substance of the documents as well as their form. We can play the string out but, eventually, if push comes to shove, Lipshutz would have to be on board as well as the Attorney General if Executive privilege is asserted.

The bottom line of my recommendation is that denial of a document be reserved for those instances where there is

(over, please)

ER
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a reasonable expectation of winning.

I am not confident this is the case with PD-19. If we carry the message for you we are getting you into the middle of a very unclear situation. I don't want to hold up implementing your instructions, but want to let you know how I see it.

25X1

